



# City of NORFOLK

C: Dir., Department of Utilities


To the Honorable Council  
City of Norfolk, Virginia

March 10, 2015

From: Eric Tucker, Assistant Director of Utilities

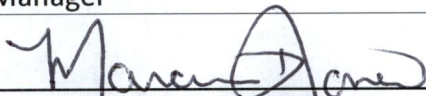
**Subject:** Permanent Utility and a  
Temporary Construction Easement  
from Judith A. Clarke

Reviewed:

  
\_\_\_\_\_  
Ronald H. Williams, Jr., Deputy City  
Manager

**Ward/Superward:** N/A

Approved:

  
\_\_\_\_\_  
Marcus D. Jones, City Manager

**Item Number:**

**PH-2A**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk Department of Utilities  
Easement Location: 3831 Bruce Road, Chesapeake, Virginia

III. **Description**

This agenda item is to adopt an Ordinance approving the acquisition of a permanent utility and a temporary construction easement through either purchase agreement or condemnation at 3831 Bruce Road in the City of Chesapeake, Virginia.

IV. **Analysis**

The variable width permanent utility easement and temporary construction easements will allow the City to install and maintain a new 36" raw water main. The existing 36" water main in this area has reached the end of its useful life and two large emergency repairs have been made in the past year. The City will be relocating a portion of the existing water main from developed residential property to a nearby existing street. Construction of the new water line is scheduled to begin in the spring of 2015.

V. **Financial Impact**

The total cost to the City for the easements is \$4,000.

**VI. Environmental**

The City is acquiring all necessary approvals from the U.S. Army Corps of Engineers and the Cities of Chesapeake and Portsmouth. The new water main will be installed by horizontal directional drill, which will minimize impacts to the surrounding properties.

**VII. Community Outreach/Notification**

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process. Meetings have been held with the affected property owners and City officials from the Cities of Chesapeake and Portsmouth.

**VIII. Board/Commission Action**

N/A

**IX. Coordination/Outreach**

This letter has been coordinated with the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance

02/11/2014 tsv

Form and Correctness Approved:

By [Signature]  
Office of the City Attorney

Contents Approved:

By [Signature]  
DEPT.

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose. [Signature]

\$ 4,000.00

[Signature]  
Director of Finance

4000-33-3057-5581  
Account (FY 07)  
2/19/15  
Date

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE FINDING A PUBLIC NECESSITY FOR THE ACQUISITION OF ONE TEMPORARY CONSTRUCTION EASEMENT AND ONE PERMANENT UTILITY EASEMENT FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, AND OPERATING CERTAIN FACILITIES RELATED TO THE CITY'S WATER SUPPLY SYSTEMS, SAID EASEMENT TO EXTEND ACROSS PROPERTY LOCATED AT 3831 BRUCE ROAD IN THE CITY OF CHESAPEAKE, VIRGINIA; AUTHORIZING THE ACQUISITION OF THE EASEMENTS BY EITHER PURCHASE AGREEMENT OR CONDEMNATION; AND ACKNOWLEDGING THE EXPENDITURE OF THE SUM OF \$4,000.00 TO ACQUIRE SUCH.

- - -

WHEREAS, the City of Norfolk is empowered by the provisions of Virginia Code Sections 15.2-1901, 15.2-1901.1 and 15.2-2109 and by Norfolk City Charter Section 2(5) to acquire by eminent domain any easement across private property for public uses, including certain portions of the property located at 3831 Bruce Road in the City of Chesapeake, Virginia, being more specifically described hereinafter in Section 2;

WHEREAS, it is the judgment of the City Council of the City of Norfolk that one temporary construction easement and one permanent utility easement across portions of property described hereinafter in Section 2 are necessary for the purpose of constructing, maintaining, and operating a water main and

appurtenant facilities which are needed by the City of Norfolk as part of its water supply system;

WHEREAS, available property records indicate that the person having an ownership or other possessory interest in the property to be burdened by the easements is, at the time of the adoption of this Ordinance, Judith A. Clarke; and

WHEREAS, based on information provided in the report of a professional appraiser licensed in the Commonwealth of Virginia, the total estimated funds necessary to compensate the owner thereof for such easements are not more than \$4,000.00; wherefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That, pursuant to the provisions of Virginia Code Section 15.2-1901, 15.2-1901.1 and 15.2-2109 and Norfolk City Charter Section 2(5), the Council finds that acquisition of one temporary construction easement and one permanent utility easement located on property as hereinafter described are necessary for the purpose of constructing, maintaining, and operating a certain water main and appurtenant facilities that are part of the City's water supply systems.

Section 2:- That the City Manager and City Attorney be, and hereby are, authorized and directed to take such action as may be necessary to acquire the temporary and permanent easements including, if necessary, the institution of condemnation proceedings and to arrange for payment of compensation to the owner or owners of the property across which the easements are situate, as well as any other persons having an interest in such property, said easements being specifically set forth and described as follows:

For the temporary construction easement:

All that certain lot, piece or parcel of land situate, lying and being in the City of

Chesapeake, Virginia to be used as a temporary construction easement for a water main and appurtenant facilities and being a portion of the property of Judith A. Clarke as shown on the plat entitled "Project Parcel 007 Plat Showing Variable Width Permanent Easement and Variable Width Temporary Construction Easement to be Acquired From Judith A. Clarke by City of Norfolk," dated July 9, 2012, prepared by Rouse-Sirene Associates, Ltd., and attached hereto as "Exhibit A," said portion being more particularly described as follows:

BEGINNING at a point on the southern line of Bruce Road (30' R/W) that is the northwest corner of project parcel 007, now or formerly Judith A. Clarke (M.B. 78, P. 82) and the northeast corner of property now or formerly Nancy Lynwood Clarke Jones and John Henry Clarke, II (M.B. 38, P. 60 and M.B. 78, P. 82); thence, from the point of beginning thus described, S 59° 13' 24" E, 83.07 feet, along the southern line of said Bruce Road to a point, thence, N 64° 22' 56" W, 79.44 feet, more or less, to the said property of Nancy Lynwood Clarke Jones and John Henry Clarke, II, thence, N 01° 49' 36" E, 8.16 feet, more or less, to the point of beginning.

Said easement, being the temporary construction easement to be acquired or condemned by the Ordinance, contains 297 square feet or 0.007 acre, more or less, of land; and

For the permanent utility easement:

All that certain lot, piece or parcel of land situate, lying and being in the City of Chesapeake, Virginia to be used as a permanent utility easement for a water main and appurtenant facilities and being a portion of the property of Judith A. Clarke as shown on the plat entitled "Project Parcel 007 Plat Showing Variable Width Permanent Easement and Variable Width Temporary Construction Easement to be Acquired From Judith A. Clarke



by City of Norfolk," dated July 9, 2012, prepared by Rouse-Sirene Associates, Ltd., and attached hereto as "Exhibit A," said portion being more particularly described as follows:

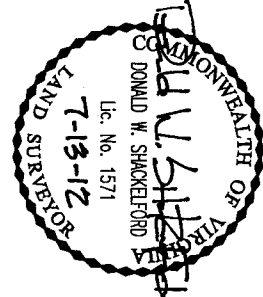
BEGINNING at a point on the northern line of Bruce Road (30' R/W) at the east terminus; thence, from the point of beginning thus described S 59° 13' 24" E, 49.30 feet, more or less, along the northern line of property of Judith A. Clarke (M.B. 78, P. 82) to a point on the western line of Parcel B, now or formerly William L. Winslow, (M.B. 29, P. 43); thence, S 01° 49' 36" W, 15.65 feet, more or less, along the line of said Parcel B, now or formerly William L. Winslow, (M.B. 29, P. 43), to a point; thence N 64° 22' 56" W, 57.11 feet, more or less, to a point on the eastern terminus line of Bruce Road (30' R/W); thence, N 30° 46' 36" E, 18.83 feet, more or less, along the eastern terminus line of Bruce Road (30' R/W) to the said point of beginning.

Said easement, being the permanent utility easement to be acquired or condemned by the Ordinance, contains 873 square feet or 0.020 acre, more or less, of land.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (1 page)

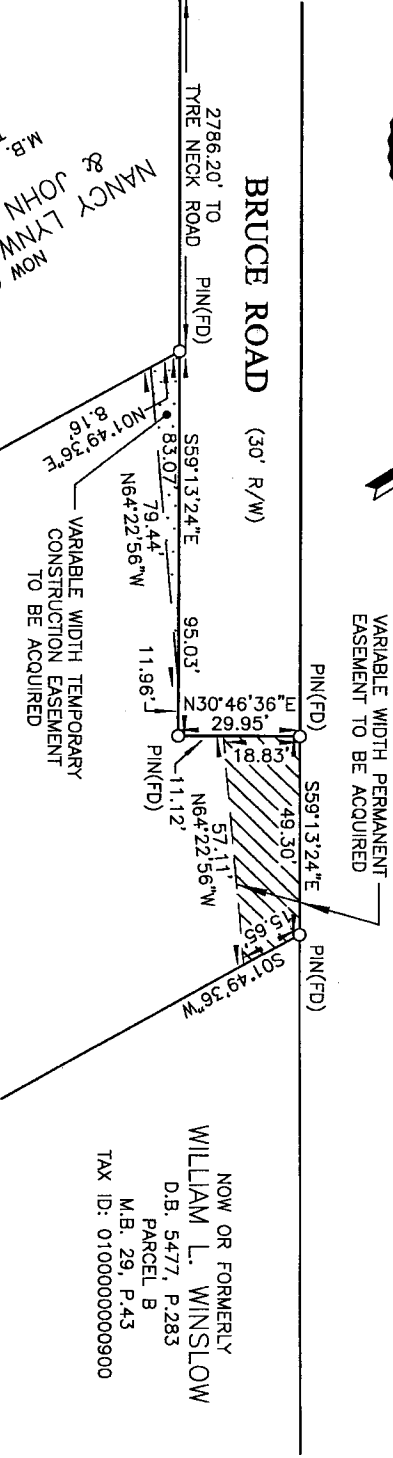


NOW OR FORMERLY  
ALLEN TOBY HEDGEPEETH, TRUSTEE UNDER THE  
ALLEN TOBY HEDGEPEETH DECLARATION OF  
TRUST, DATED MAY 30, 2001  
D.B. 6504, P.843  
PARCELS B-1 & C-1  
M.B. 105, P.5  
TAX ID: 0100000000901

AREA

VARIABLE WIDTH PERMANENT EASEMENT AREA = 873 S.F./0.020 ACRE  
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT AREA = 297 S.F./0.007 ACRE

- DENOTES PERMANENT EASEMENT AREA TO BE ACQUIRED
- DENOTES TEMPORARY CONSTRUCTION EASEMENT AREA TO BE ACQUIRED



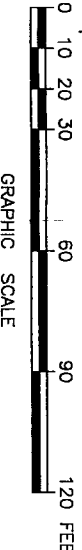
BRUCE ROAD (30' R/W)  
TYE NECK ROAD  
2786.20' TO  
PIN(FD)  
S59°13'24\"E  
83.07'  
79.44'  
N64°22'56\"W  
11.96'  
PIN(FD)  
S59°13'24\"E  
49.30'  
57.11'  
N64°22'56\"W  
11.12'  
PIN(FD)  
S01°49'36\"W

PROJECT PARCEL 007  
PROPERTY OF  
JUDITH A. CLARKE  
W.B. 140, P.198 D.B. 2417, P.29  
M.B. 78, P.82  
TAX ID: 01000000000861

NOW OR FORMERLY  
WILLIAM L. WINSLOW  
D.B. 5477, P.283  
PARCEL B  
M.B. 29, P.43  
TAX ID: 01000000000900

PROJECT PARCEL 007  
PLAT SHOWING  
VARIABLE WIDTH PERMANENT EASEMENT  
AND VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT  
TO BE ACQUIRED FROM  
JUDITH A. CLARKE  
BY  
CITY OF NORFOLK  
WESTERN BRANCH BOROUGH - CHESAPEAKE, VIRGINIA  
SCALE: 1\"=30'  
JULY 9, 2012

ROUSE-SIRINE ASSOCIATES, LTD.  
LAND SURVEYORS & MAPPING CONSULTANTS  
333 OFFICE SQUARE LANE  
VIRGINIA BEACH, VIRGINIA 23462  
TEL: (757)490-2300; FAX: (757)499-9136  
www.rouse-sirine.com



- NOTES:
1. MERIDIAN SOURCE IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH ZONE, NAD83(1994 HARN). COORDINATE VALUES ARE EXPRESSED IN U.S. SURVEY FEET.
  2. THIS PLAT IS FOR EASEMENT ACQUISITION PURPOSES ONLY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.
  3. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY OR ALL EASEMENTS, RESTRICTIONS, OR ENCUMBRANCES THAT MAY AFFECT THE PROPERTY SHOWN HEREON.